1	I decla	re under p	enalty o	of pe	rjury an	d the laws	of the State of
2	California that	the above	is true	and	correct.	6	
3	Nated:	July <u>27</u> .	1993		Ph	05	Comm
4	54.54	~~,			Hal	E. Cowan	
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JOHN N. HAUSER, DANIEL M. WALL,	, BROWN & ENERSEN State Bar No. 24010 State Bar No. 102580	FILED		
	State Bar No. 157402	AUG 1 & 100		
San Francisco, C Telephone: (415	alifornia 94111	CLERK, U. S. DIST. COURT  Eastern District of California		
Attorneys for De		of California		
The Pacific-10 C	onference			
	UNITED STATE	ES DISTRICT COURT		
		RICT OF CALIFORNIA		
		(10) OF GREEF GRAIN		
PAPPAS TELECASTI California corpo		) No. CV-F 92-5589-OWW )		
Public Trustee,		DECLARATION OF MIKE D. CORWIN		
	Plaintiff,	) RECEIVED - CALENDAR		
	v.	14440-7 AUG 17'93		
Limited Partners		) Dates to be Entered		
	-profit association,			
	ration, and DOES 1	) om		
through 20, incl	·	) File of tempty, whose initials ( agent in the has reviewed ) a applicable count miles.		
_	Defendants.	d hes medited that the final cutting are correct.		
		And the second s		
I, Mike	D. Corwin, declare:			
1. I	am the Assistant Ath	letic Director of Oregon State		
University. I h	ave personal knowled	ge of the matters set forth below, exc		
•	·	and belief, and, if called, could and		
		and defice, and, it carries, court and		
·	ompetently to them.			
/ / /				

- 2. One of my duties as Assistant Athletic Director is to make arrangements for televising OSU home football games. On September 21, 1991 OSU was scheduled to play a home game against Fresno State University ("FSU"). In June 1991, Scott Johnson, FSU's Assistant Athletic Director for Communications called me to arrange for the game to be televised by KMPH in the Fresno area. I believed that Johnson intended to arrange for a delayed telecast for several reasons. First, he never mentioned a live telecast. which is the exception rather than the rule and would have to be negotiated much more extensively. Second, we never discussed any rights fee for the telecast, which OSU would have demanded for a live telecast. Third, OSU had telecast the game between the two teams the previous year, played at FSU, on a delayed basis, and I expected that FSU would do the same. Finally, any negotiations for a live broadcast would be handled by OSU's Athletic Director, Dutch Baughman, not me, and I assumed the same was true at FSU. For my part, I never intended to agree to anything but a delayed telecast.
- 3. In late June 1991 I received a letter from Scott Johnson dated June 26, 1991 concerning the telecast of the September 21 game, a true and correct copy of which is attached as Exhibit A. The letter did not mention anything about a live telecast. In fact, I had no reason to believe that Johnson contemplated a live telecast until Hal Cowan, OSU's Sports Information Director, told me in late August 1991 that he had received a "detail" of the proposed telecast from Howard Zuckerman, KMPH's producer, which indicated that the telecast was to be live. At that time, I called the Pac-10 and was informed that Prime Ticket had selected the California versus Arizona game for cablecast at 7:00 p.m. that evening. I notified Cowan, who, on information and belief, relayed this information to Johnson.

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1	4. Scott Johnson was the only person with whom I communicated
2	concerning the telecast of the September 21, 1991 game. Specifically, neither
3	I nor, to my knowledge, anyone else at OSU, communicated with anyone from KMPH
4	concerning the telecast.
5	I declare under penalty of perjury and the laws of the State of
6	California that the above is true and correct.
7	(AAAAA)
8	Dated: July 27, 1993 Wike D. Corwin
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5305 N. Campus Drive, Rm. 153 • Fresno, California 93740-0027 • (209) 278-2509 • Fax: (209) 278-468.
Scall Johnson, Directo

Mike Corwin, Asst. A.D. (65-729/47) Oregon State University Gill Coliseum Corvallis, CR 97331-4105

6-25-91

Dear Milas

This letter is to confirm our previous convenention and to thank you for pranting permission to televise the football game between our two institutions on September 21, 1991.

We appreciate your cooperation in not charging any mights fees as we will reciprocate in future games at our facility. Mr. Howard Zuckennen is the producer of our telecasts this year so he will be in touch with you for necessary examplements to be made for the telecast.

Thanks again and best wishes.

gribotera

Scott Johnson

Durch Baughman CA.D.)

Asst. A.D. Comunications

504/SW 10

Exhibit "B"

PP93-21

# **GOPY**

McCUTCHEN, DOYLE, BROWN & ENERSEN 1 JOHN N. HAUSER, State Bar No. 24010 DANIEL M. WALL, State Bar No. 102580 CLERK, U. S. DIST. COURT 2 FRANK M. HINMAN, State Bar No. 157402 Edition District of California Three Embarcadero Center 3 San Francisco, California 94111 Telephone: (415) 393-2000 4 Attorneys for Defendant 5 The Pacific-10 Conference 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 PAPPAS TELECASTING, INC. a No. CV-F 92-5589-OWW 11 California corporation, and as Public Trustee. DECLARATION OF SCOTT JOHNSON 12 Plaintiff, 13 ٧. RECEIVED - CALENDAR 14 19940-7 PRIME TICKET NETWORK, a California **赵617'93** 15 Limited Partnership, CVN, INC., The PACIFIC-10 CONFERENCE, 16 Dates to be Entered a California non-profit association, ) CAPITAL CITIES/ABC, INC., 17 a New York corporation, and DOES 1 through 20, inclusive, 18 ) and the new whose initials Defendants. ) milhelom, 133 reviewed 19 officiable court rules, on vertised that the 20 das are correct. I, Scott Johnson, declare: 21 \*\*\*\* Care 1.50 1 \* 201/97/8/00 I am the Assistant Athletic Director for Communications at 22 Fresno State University. I have personal knowledge of the matters set forth 23 below, except those stated on information and belief, and, if called, could 24 and would testify competently to them. 25 111 26

1	2. One of my duties as Assistant Athletic Director is to arrange
2	for the telecast of FSU football games. In connection with that duty, in June
3	1991, I made telephone calls to Harold Gibson and Mike Corwin, the Assistant
4	Athletic Directors of Washington State University and Oregon State University,
5	respectively, to arrange for the local Fresno telecast of games between FSU
6	and those schools to be played on September 14 and 21, 1991, respectively.
7	During my conversations with Gibson and Corwin, the subject of whether the
8	telecasts were to be live or delayed was never raised nor discussed. On
9	information and belief, both WSU and OSU normally televise their football
10	games locally on a delayed basis, and I believe it is likely that Gibson and
11	Corwin assumed that I was requesting a delayed telecast as well. I said
12	nothing to give them reason to think otherwise. In addition, the letters I
13	wrote to Gibson and Corwin following up our phone conversations did not
14	specify whether the telecasts were to be live or delayed.
15	3. The games against WSU and OSU were the only away games versus
16	Pac-10 opponents on FSU's 1991 schedule. FSU hosted WSU in 1992 and OSU in
17	1993.
18	I declare under penalty of perjury that the above is true and correct
10	and that this declaration was signed at Fresno, California.

Scott Johnson

Dated: July 1993

PP93-71

COPY

MCCUTCHEN, DOYLE, BROWN & ENERSEN 1 JOHN N. HAUSER, State Bar No. 24010 DANIEL M. WALL, State Bar No. 102580 2 FRANK M. HINMAN, State Bar No. 157402 Three Embarcadero Center 3 San Francisco, California 94111 AUG 1 6 1993 Telephone: (415) 393-2000 4 CLERK, U. S. DIST. COURT Eastern District of California Attorneys for Defendant 5 The Pacific-10 Conference 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 PAPPAS TELECASTING, INC. a No. CV-F 92-5589-OWW 11 California corporation, and as Public Trustee. DECLARATION OF FRANK M. HINMAN 12 Plaintiff, 13 RECEIVED - SALENDAR I ٧. 14440-7 14 AUG 17'93 PRIME TICKET NETWORK, a California 15 Limited Partnership, CVN, INC., Dates to be Entered The PACIFIC-10 CONFERENCE. 16 a California non-profit association. CAPITAL CITIES/ABC, INC., 17 a New York corporation, and DOES 1 · our through 20, inclusive, 18 an interney, whose initials ) inpant, a cw. has reviewed. Defendants. ) ingificable court rules, i 19 as recitied that the cutes are correct. 20 I Frank M. Hinman, declare: 21 I am a member in good standing of the State Bar of California, 22 am admitted to practice before this Court, and am an associate at McCutchen, 23 Doyle, Brown & Enersen, attorneys for defendant the Pacific-10 Conference 24 (Pac-10). I have personal knowledge of the matters set forth below and, if

25

1	called, could and would testify competently to them. This declaration is
2	submitted in support of the Pac-10's motion for summary judgment.
3	2. Attached as Exhibit A are true and correct copies of the
4	televised sports listings from the Fresno Bee for Saturday, September 14 and
5	Saturday, September 21, 1991.
6	3. Attached as Exhibit B is a true and correct copy of Pappas'
7	responses to the Pac-10's first set of interrogatories, served on this firm on
8	June 18, 1993.
9	4. Attached as Exhibit C is a true and correct copy of data
10	submitted to the Federal Communications Commission relating to the number of
11	college football games broadcast nationally and regionally from the 1980-81
12	season through last season, and cablecast from 1987 through last season.
13	5. Attached as Exhibit D is a true and correct copy of a document
14	entitled "TELEVISION BROADCASTING AGREEMENT" and signed on behalf of Pappas
15	Telecasting, Incorporated and California State University, Fresno Athletic
16	Corporation, which was produced to the Pac-10 by plaintiff in this case.
17	I declare under penalty of perjury that the foregoing is true and
18	correct and that this declaration was signed at San Francisco, California.
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20	Dated: August <u>/2</u> , 1993 Frank M. Hinman
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# Saturday, September 21, 1991 SCOREBOARD

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p.m. — Horse racing, satellite wagening from Los Namitos (quarter borses), Fresno Fairground grand-

stand:
- Stand:
- Volleybail, Westmont College at Fresno Pacific, Special Events Center.
- So p.m. — Auto focing, street stocks, limited stocks, Toyola Challenge, Wadera Speedway; pro sprints, IM-CA, street stocks, Kings Speedway, Hanford.

Television

9:30 a.m. — Fuotball, Kentucky at Indiana, ESPN. 0:30 a.m. — Football, Missassippi State at Tymessee, TBS. 10:30 a.m. — Football, Michigan State at Notre Dame, KSEE, 24 11 a.m. — Football, San Diego State at Air Force, Prime

ASEE, 24.

11 am. – Footbell, San Diego State — Ticket.
Noor — Bassbadt, Toronto at Oakland, KJEO, 47.
12:30 p.m. — Football, Arzona State at USC, KFSN, 30.

1 p.m. — Fornst, Davie Guo semifical: Linted States vs.
Germany, ESPN.

3\*\*\*Linted States of Company Com

2 p.m. — Saskatball, announcement of U.S. team, KSEE, 24.
230 p.m. — Football, Texas A&M at Tulias, prime Ticket, 430 p.m. — Football, Auburn at Texas, ESPN, 5 p.m. — Football, Washington at Nebraska, KFSN, 30 p.m. — Football, Washington at Nebraska, KFSN, 30 p.m. — Baseball, Alterta at Los Angeles, TBS, 9 p.m. — Autor racing, MSCAR Goody's 150, ESPN, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 12 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 12 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 11 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 12 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 12 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 13 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 13 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 13 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 13 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 13 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Football, Pacific at Hawaii (lape), Prime Ticket, 14 p.m. — Fo

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205 p.m. — Footbal, California at Chicago, KTAA, 94.3.

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Intervision ..... 10 a.m. — Fuerbell, L.A. Residers at Allanta, ISSEE, 24 10 a.m. — Fuerbell, Microsopte at New Chieses, K.ISCO, 47, 10:30 a.m. — Fuerbell, Microsopte at Colorade Suppl, Prime

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130 p.m. — Auto racing, Texacothevoline 200, ESPN.

5 p.m. — Desebalt, Toronto at Oaktand, ESPN.

5 p.m. — Poolbalt, Dalas at Phoenix, FNT.

9 on — Tenns, Davis Cup, United States vs. Gormany, ESPN.

10:00 p.m. — Football, Anzona State at USC (tabe), Primer Fobret.

Radio

9:45 p.m. — Football, Washington at Cincinnali, KRGO, 1220. 10 a.m. — Football, LA. Raiders at Alfania, KGST, 1600

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10 a.m. – Fronthell, L.A. Raiders at Alfunta, KGST, Ibuu (Spanish).
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1235 p.m. — Basebail, San Francisco at Sun Diego, AYNO, (300: KJUG, 1270.
2 p.m. — Soccer, Ocal Rush Classic, Frasno Stato vs. UCCL, KFSR, 2077; KGST, 1600 (Spanish), 2.30 p.m. — Football, L.A. Rams at San Francisco (bob), GDA.

2 30 p.m. Footbalf, L.A. Rams at San Francisco (face), KIAA, July 436 p.m. Basebalf Feronto at Opkland KKAM, 1340, 450 p.m. basebalf, Foromo at Opkland KKAM, 1340, 450 p.m.

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He won't go? Former Syracuse standout Billy Owens, a Sacramento Kings draft cick, may sit out the season because of money, his agent

Michael Johnson dominates in 200 on Barcelona track

BARCELONA, Spain — Michael, Johnson capped an undefeated year in the 200 meters with the season's fastest time Friday, reinforcing his dominance on the track where he hopes to win two Olympic titles next summer.

Takeness who went the 200 least month in the

Johnson, who won the 200 last month in the Johnson, who won the 200 last month in the World Championships and has not lost a race at 200 or 400 meters this year, won in 19.88 seconds at the Mobil IAAF Grand Prix Final — the last major track and field meet of 1991.

Despite running into a slight hend wind, he dipped under 20 seconds for the fourth time in two weeks as he continued his charge toward Pietro Memea's 12-year-old record of 19.72.

Baskethali

The sgent for former Syrasuse standout
Billy Overns-threatened to keep his client on
the sidelines for the National Baskethalf Associathe sidelines for the National Baskethalf Associa-tion sesson; rather than accept the Secramento Kinga. latest construct offer. Arn Tellem, the Eas-Angeles attorney representing Owens, dis-missed the team's contention that the NBA sala-ry-cap placed limits on rookie salaries. Tellem said Owens, the third player chosen in this year's draft, has enough money to live comfort-ably until next summer, when the swingman could re-enter the draft as a tree agent.

. The Washington Bullets released reserve guard Byron Irvin and said forward Mark Alerie would undergo arthroscopic surgery to relieve the pain in his left knee.

Hockey B Link Gastz of the San Jose Sharks has pleased inscores to charge that he discharged a gaze in Wessen, Mirm., city hints and that he carried a pastel without a permit. Gastz, who went to the Sharks from the Minneauta North Stars in the National Hockey League expansion deaft, mailed his sieves to Winnon District Court.

The Sharks acquired calit wing Wayne realey from the Chango Blackhawks for a Presiley from the Citizago Blackhawks for a 1993 third-round draft choice. Prodev scoped 15 goals and 19 assists in 71 games for the Blackhawka last season.

Golf ■ Brad Faxon finished his first round at 65, then shot a 7-under-par 64 in the second round as he took a three-shot lend in the rain-delayed Open at Endicott, N.Y. Faxon, who got his first Professional Goiffers' Association, four vic-tory last mouth in the Buick Open, was at 129 midway through the three-day tournament. Blaine McCallister held a one-troke end after the first round but followed at with a 63 and

trailed by three strokes. 2 Pat Brudley, nearing the at arillian mark in career carnings at the tastes first sonal Golf Association four, but a familie 67 he a one-stroke had over Mitzi Edge after two rounds of the Sareo Glosar at Acut, Wish, Bridley was at 3-under IIIG Edge shot a 69.

and Jose Maria Olizabid of Spon that a Sander of Sorthe lead in the Epson Gand Prix of Europe at Chepstow, Walte, with a 182 total, England's Mark James shot a 64 to move into second, two strokes behind Olizabid and one shead of Scotland's Collin Montgomerie, who

shot 60 3 Jim Dent birthed all four par-5 holes and shot a 6-under 66 for a one-croke lead over Charles Coody after the opening round is the Seniors' Nanonwide Championship at Alpharet-

Auto racing

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5 p.m. — Home raning, satellite vagening from Los Alankios (quarter horses), Fresiro Paligrouniu grandi

530 p.m. — Auto racing: Toyota Chasengo, IMCA, elicero, Madera Spendwey. 7.50 p.m. — Auto racing, modified miogets, min. spends, Plaza Park, visuala

Television

9:30 a.m. — Football Loursvell at Chio State, ESPN, 9:30 a.m. — Football LDLA st Tennessee, TBS

19: am. — Football LDLA st Tennessee, TBS

19: am. — Football LDLA st Tennessee, TBS

10: am. — Football LDS at Texas ASM, Prime Ticket, 11: am. — Awar racing, Bursen Grand National Senses, TNN, Noon — Basebal, Los Angeles at Atlanta, KIEO, 47, 12: 30 p.m. — Football, Norre Dame at Michigan, KFSN, 30, 12: 30 p.m. — Football, Stanlord at Artson, Prime Ticket, 430 p.m. — Football, Stanlord at Artson, Prime Ticket, 430 p.m. — Football, Penn State at USC, KFSN, 30, 7 p.m. — Football, Penn State at USC, KFSN, 30, 7 p.m. — Boxing, Julko Cesar Chaver ys Lonne Smith (WBC super lightweight championship), Julian Jackson vs. Demis Mitton (WBC middleweight championship), Showtime.

Showtime.

Snowtime.

7:30 p.m. — Football, UCLA at Tennessee (tape), Prime Ticket.

9.p.m. — Gymnastics, World Championships (tape), KFSN. 30.

30.

11 p.m. — Football, New Mexico at Hawaii (tape), Prime Ticket.

12:30 a.m. — Football, Alabarna at Flonda (tape), ESPN.

3 a.m. — Horso racing from Los Alamitos (tape), Prime Ticket.

Radio

2:30 a.m. — Football, UCLA at Termessee, KTAA, 94:3.
12:20 p.m. — Baseball, Chicago at Calfernie (in progress).
KTAA, 94:3.
11:50 a.m. — Baseball, Caldund at Toronto, IXXAA, 7340.
11:50 a.m. — Baseball, Los Angeles at Allanta, KEYX, 1400.
12:205 p.m. — Football, Dog Talk with Dave Whitlield, IXAI, 7340.

580.

12:45 p.m. — Baseball, San Diego at Sen Francisco, KYNO, 1300; KUKS, 1270.

1:05 p.m. — Football, Countdown to Kickoft Freeno State at Washington State, KMJ, 580.

6:45 p.m. — Football, Monterey at Kings River CC, KRDU, 1130.

5:30 p.m. — Football, Penn State at USC, KKAM, 1340.

8:30 p.m. (approx.) — Baseball, Los Angeles at Atlanta (tape), KKAM, 1340.

SUNDAY

Local events

12:40 p.m. — Horse racing, satellite wapering from Bay Meadous, Freeno Fargound grandstand. 1 p.m. — Limnoore Rodeo at Lemonore Naval Air Station. 4 p.m. — Hosee secrety, satellite vapping from Lex Assistand. 100 p.m. — Hosee Secrety, Stationary of the Station of the Station

Television

Pages — Acta maters, Peach Stot. 1981.

19 a.m. — Football, Seen Francisco et Microscota, KJEO, 47.

10 a.m. — Football, Marm et Desrod, KSEE, 24.

10 a.m. — Football, Marm et Desrod, KSEE, 24.

10 a.m. — Football, Coloradio State at Nederland, (lapsa), Prime Ticket.

1 p.m. — Baseball, Los Angelos at Alfanta, TIS.

1 p.m. — Football, Indicarapolis at L.A. Raiders, KSEE, 24.

1 p.m. — Golf, Hurridees Classic, ESPN.

2 p.m. — Horse racing, Woodward Hannicas, KFSN, 30.

3 p.m. — Scotzer (Lape), KFTV, 21.

5 p.m. — Supschall, Loston at New York, ESPN.

5 p.m. — Football, L.A. Rams at Now Orleans, TNT, 6.00 p.m. — Football, L.A. Rams at Now Orleans, TNT, 6.00 p.m. — Football, L.A. Rams at Now Orleans, TNT, 6.00 p.m. — Football, L.P. Pacific at San Dergo State (Lape), Prime Ticket.

1250 p.m. — Football, Pearls State at USC (tape), Prime Ticket.

3-30 a.m. — Horse racing from Los Alamilos (tann). Prime

3:30 a.m. — Horse racing from Los Alamitos (lape), Prime Ticket.

Radio

9 a.m. — Foorball, San Francisco at Minnesotti, KFRE, 940. 9.45 a.m. — Foorball, N.Y. Giants at Chicago, KPGO, 1220. 10.15 a.m. — Baseball, Qalland at Toronto, KXAM, 1340; KXOQO, 790 (Spanish). 10.50 a.m. — Baseball, top Angeles at Atlanta, KEYX, 1400.

KODO, 790 (Spanish).
10:50 a m. — Baseball, too Angelea at Atlanta, KEYX, 1400.
12:30 p.in. — Baseball, Chicago at California, KTAA, 94.3.
12:45 p.m. — Boseball, Chicago at California, KTAA, 94.3.
12:45 p.m. — Boseball, 12:20.
1 p.m. — Foolball, Indianapolis at L.A. Raiders, KGST, 1600 (Spanish).
5 p.m. — Foolball, L.A. Rams at New Ork. Ins., KTAA, 94.3.

AUTO RACING

**TRANSACTIONS** Pioneer 200 qualifying

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SPORTS DISECT

Judge issues a gag order in rape case against Tyson

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"It has already attracted extraordinary publicately" said T Lane Heard III. a Washington, D.C., attorney for Tysan. "And it's ismost an absolute certainty his land of publicity will continue."

licity will continue

"Much of this publicity has been highly prejudicial. This is not an effort to stop all publicity in the case. But in a highly



in Mike Tyson

charged atmosphere, we are saying that we a attorneys" should not add more publicity. Tyson was indicted this week on rape, tw

counts of criminal deviate sexual conduct an one count of confinement for an alleged attac on an 18-year-old Miss Black America beaut pageant contestant.

Leonard Thompson, who flirted briefly with Al Geiberger's all-time Professional Golders' Association record of 59 for 18 holes, fir ers' Association record of 59 for 18 holes, fir ished with an 8-under-par 62 to take the lea midway through the \$1 million lhardee's Go Classic at Coal Valley, Ill. Thompson has a 36 sacle-total of 11-under 129 for a one-shot lea over Paul Azinger at Oakwood Country Chil Geiberger's historic round was in 1977 at Men phis, Tenn. Azinger shot a second straight 65.

Debbie Massey missed a two-foot par pur on the final hole but still managed to establish one-shot lead after 36 holes in the du Maura Ltd. Classic at Coquitlam, British Columbia Massey finished the second round with a 2-unda 70 for a 36-hole total of 137.

0 for a 36-hole total of 137.

Rookie Jim Colbert knocked in a 20-for

eagle putt on the 10th hole to tie Lee Trevin for the hole and the first-round lead in the for the hole and the first-round lead in t Digital Seniors Classic at Concord, Muss. Colbe shot a 7-under 65 to tie Trevino.

Australian Ian Baker-Finch shot a 5-4

der 65 for 133 and moved into a four-way tie-the test after the second round of the Lanco-Tuestly at Paris with Peter Fowler (67), Col Montgomerie (69) and Frank Nobilo (68).

#### **Gymmstics**

American Kim Zmeskal upset defendir champion Svetlessa Boguinskala of the Sovi Union to capture the World Gymnastics Champ onships in the women's division at Indianapor Zmeskal, 15, captured the gold medal with score of 39,848 points. Boguinskala won the si ver with 39,736.

# Track and field

Merlene Ottey closed in on the 200-mete world record of Florence Griffith-Joyner a the Van Damme Memorial at Brussels, Belmun running the third-fastest time ever. Ottey's un-was 21.64, 0.30 seconds off the world record.

### Boxing

Brian Mitchell of Johannesburg, Sout: Tony Lopez of Sacramento to capture the international Boxing Federation's jumor high weight title at Sacramento, Lopez (37-3-1) and Mitchell (43-1-3) fought to a draw Morch 1.2.

Mark Breland says he is retired affections technical backets.

suffering a technical knockout at I minutes, a seconds of the sixth round to Jorge Vica in welterweight fight at Sacramento, Referce Hand 

Boxing Council super lightweight title today a Las Vegas, Nev., against Lonnie Smith.

Compiled from Bee news services

LOCAL DIGEST

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12	PAPPAS TELECASTING, INC. a ) CASE NO California Corporation, and as )	. CV-F-92-5589-OWW
13	Public Trustee, ) RESPONSI	ES OF PLAINTIFF FELECASTING, INC.
14	Plaintiff, ) TO THE 1	FIRST SET OF
15	,	GATORIES OF NT PACIFIC-10
16	) CONFEREN	NCE
17	PRIME TICKET NETWORK, a ) California Limited )	
18	Partnership, BILL DANIELS, )  JOHN SEVERINO, JERRY BUSS, The )	
19	PACIFIC-10 CONFERENCE, a ) California non-profit )	
20	association, OREGON STATE ) UNIVERSITY, WASHINGTON STATE )	
21	UNIVERSITY, CAPITAL ) CITIES/ABC, INC., a New York )	
22	Corporation, ABC SPORTS, INC., ) a New York Corporation, and )	
23	DOES a through 20, inclusive, )	
24	Defendants. )	
25	PROPOUNDING PARTY: Defendant Pacific-10 Conference	ence
26	RESPONDING PARTY: Plaintiff Pappas Telecasting	, Inc.
27	Plaintiff PAPPAS TELECASTING, INC ("Pappas	") responds to the
	N	

Plaintiff PAPPAS TELECASTING, INC ("Pappas") responds to the First Set of Interrogatories of Defendant PACIFIC-10 CONFERENCE

'IPE & GRAHAM \ttomeys At Law N. Euclid Ave. #5 'pland, CA 91786 (909) 981-5212

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Attorneys At Law N. Euclid Ave. #5 pland, CA 91786 (909) 981-5212

televising of ve college football play. among major college football institutions on Saturday afternoons and Saturday evenings."

# RESPONSE TO INTERROGATORY NO. 5

The FSU vs. WSU and FSU vs. OSU games were scheduled to be broadcast live by KMPH during the afternoons of September 14, 1991 and September 21, 1991, respectively. The FSU vs WSU game was scheduled to commence at 2:00 p.m. PST and the FSU vs. OSU game was scheduled to commence at 5:00 p.m. PST. Traditionally, college football has been and continues to be played, predominantly, on Saturday afternoons. There are essentially two three-and-a-half-hour "windows" for broadcasting games live on Saturday afternoons. The preclusive agreements between and among defendants herein prevent broadcasters, such as KMPH, from televising live football telecasts with great local fan interest on Saturday afternoons, even though the games are not scheduled to be broadcast or cable carried by defendants, or anyone else. The number of games with local interest to be televised on Saturday afternoon is, therefore, reduced, the price is driven up because the supply is diminished, viewers are not able to see what they want, broadcasters are unable to compete on a level playing field, and competition is thus damaged as more particularly alleged in the First Amended Complaint.

## INTERROGATORY NO. 6:

Describe the basis for YOUR allegation in paragraph 12 of the First Amended Complaint that a relevant submarket is "the televising of . . . so-called 'cross-over' games between members of defendant Pac-10 and members of other football conferences and independents."

## RESPONSE TO INTERROGATORY NO. 6:

The subject games were "cross-over" games. That is a game between a member of one conference (FSU then a member of the Big West Conference) and a member of another conference (WSU and OSU are members of the PAC-10 Conference). The preclusive agreements entered into between and among defendants herein and the tradition of home rule, as more particularly alleged in paragraphs 21-23 of the First Amended Complaint, combined to cause the damage to competition as alleged in the Complaint, and as described in No. 5 above, even when, as in the case of KMPH, broadcasters have preexisting contractual rights.

#### <u>INTERROGATORY NO. 7</u>:

Describe the basis for YOUR allegation in paragraph 13 of the First Amended Complaint that relevant submarkets are "each of the 60 largest standard metropolitan areas of the United States."

#### RESPONSE TO INTERROGATORY NO. 7:

Television markets, including that of plaintiff, are defined, inter alia, by reference to standard metropolitan areas. The preclusive agreements entered into between and among defendants damaged competition, as alleged in the First Amended Complaint, and as described in No. 5 above, within these standard metropolitan areas.

#### INTERROGATORY NO. 8:

Describe the basis for YOUR allegation in paragraph 13 of the First Amended Complaint that a relevant submarket is "the area of dominant influence ("ADI") of KMPH."

#### RESPONSE TO IN ROGATORY NO. 8:

Paragraph A-1 of the contract between FSU and KMPH defines the area of dominant influence ("ADI") of KMPH as the counties of Fresno, Kern, Kings, Madera, Tulare, Mariposa, Merced, Stanislaus, San Benito, San Luis Obispo and San Joaquin. The preclusive agreements entered into between and among defendants herein damaged competition within these geographic areas as more particularly alleged in the First Amended Complaint and as described in No. 5 above.

#### INTERROGATORY NO. 9:

Describe the basis for YOUR allegation in paragraph 13 of the First Amended Complaint that relevant submarkets are "the service markets of defendants PTN, CAP CITIES/ABC and ESPN."

RESPONSE TO INTERROGATORY NO. 9:

The preclusive agreements entered into between and among defendants herein damaged competition in these geographic areas as more particularly alleged in the First Amended Complaint and as described in Interrogatory No. 5 above.

≺IPE & GRAHAM
Attorneys At Law
⊃ N. Euclid Ave. #5

√Ipland, CA 91786
(909) 981-5212

CRIPE & GRAHAM

BY: \_\_

Attorneys for Pappas

Telecasting, Inc.

Chart 11: National/Regional College Football Games and Ratings on Broadcast TV

Season	No. of Regular Season Games	Average Rating Per Regular Game	No. of Post- Season Games	Average Rating/ Post-Season Game
1980-1981	54	11.5	6	20.9
1981-1982	64	12.0	6	15.2
1982-1983	50	10.8	5	16.6
1983-1984	50	9.8	6	13.5
1984-1985	34	7.4	6	13.1
1985-1986	37	7.0	6	15.6
1986-1987	38	6.9	7	12.7
1987-1988	37	5.1	8	10.0
1988-1989	40	6.2	9	8.6
1989-1990	41	5.9	. 10	8.3
1990-1991	42	5.5	9	7.8
1991-1992	61	6.5	9	7.7
1992-1993	67	6.2	9	8.7

Data for 1980-82 regular season is ABC data only. Regular season data for 1982-91 is ABC data and CBS data combined. Regular season data for 1991-93 is ABC data and NBC data combined. All post-season data is ABC data and NBC data combined.

Cap Cities/ABC notes that the "number of games" figures reflect all games broadcast. Because ABC often provides regional coverage of these games, there typically are several games broadcast in the same "window" or time period. Similarly, the ratings reflect the average ratings for all games in all time periods in which the games appear.

Cap Cities/ABC Comments, Exhibit A; CBS reply comments, Appendix A: NBC comments, Exhibit D.

Chart 12: National Broadcast and Cable Network Coverage of College Football Games (1987-1992)

<u>Year</u>	No. of Games <u>Broadcast</u> (Nat'l)	No. of Games on <u>Cable</u>
1987	27	54
1988	30	61
1989	29	98
1990	42	196
1991	61	194
1992	67	192
Percent increase from 1987 to 1992:	148%	256%

Broadcast: ABC, CBS, NBC

Cable: ESPN, SportsChannel America, BET, TBS, FNN-Score (no longer operational), Prime Network, USA Network.

NCTA comments, Chart 4 citing Paul Kagan Associates, Inc., <u>Media Sports Business</u>, August 26, 1987, p. 2 and January 21, 1993, p. 8.

TELEVISION BROADCASTING AGREEMENT

THIS AGREEMENT is made and entered into this fust day of July, 1985, by and between THE CALIFORNIA STATE UNIVERSITY, FRESHO ATHLETIC CORPORATION, a California Nonprofit Corporation, hereinafter called the "Corporation" and CALIFORNIA SPORTS NETWORK, a California Corporation, and PAPPAS TELECASTING, INCORPORATED, a California Corporation, Licensee of KMPH TELEVISION, hereinafter called the "Contractors".

# WITNESSETH:

WHEREAS, Contractors are a television production company and a duly licensed television station, capable of producing and airing live or delayed television broadcasts of athletic events and providing services and materials covered in this agreement; and

WHEREAS, Corporation supervises all National Collegiate Athletic Association (NCAA) recognized sports as related to California State University, Fresno; and

WHEREAS, Corporation desires to arrange for live or delayed television broadcasts and to obtain services and materials as provided herein; and

WHEREAS, Contractors are willing to provide live television broadcasts and other services and materials as provided in this agreement in accordance with the convenants, terms, and conditions hereof:

NOW, THEREFORE, IT IS AGREED as follows:

#### RIGHTS

#### A. TELEVISION BROADCASTING RIGHTS

Subject to the covenants, terms, and conditions herein set forth, Corporation grants Contractors the first right of refusal for television broadcast rights of all NCAA sports events sponsored by Corporation.

#### 1. AREA OF EXCLUSIVITY

Said rights shall cover Contractors' (and/or network) Area of Dominant Influence (ADI) which is defined as the Counties of Fresno, Kern, Kings, Madera, Tulare, Mariposa, Merced, Stanislaus, San Benito, San Luis Obispo, and San Joaquin.

## 2. OFFICIAL STATION

The Corporation shall notify all parties with the need to know that Contractors are the Official Television Station of Corporation sponsored athletic events.

# 3. NCAA/PCAA EXCEPTIONS

NCAA or PCAA regional and/or national network telecasts supersedes contractual rights for any game.

## B. BROADCAST EVENTS

- 1. Contractors shall televise a minimum of twenty (20) live, mutually agreed upon, NCAA men's basketball contests, home or away, during each year of this agreement;
- 2. And a minimum of four (4) live football away games and negotiated advanced sell out home games annually.
- 3. And four (4) additional mutually agreed upon events or programs to be aired live or delayed.

#### C. TIMES OF EVENTS

1. Times of telecasts shall be mutually agreed upon by Corporation and Contractors.

#### D. TERM OF AGREEMENT

This agreement shall be for a term commencing on July 15, 1985 and ending June 30, 1988; provided, however that Contractors shall have a two-year option to renegotiate this agreement for the 1988-89 and 1989-90 years. On or before April 15, 1988, Corporation shall provide Contractors with the terms and conditions of the extended agreement. Contractors shall exercise said option on or before May 1, 1988, and the written agreement shall be made and entered into not later than June 1, 1988.

#### E. RIGHTS FEES

- 1. Contractors shall pay a total rights fee of sixty thousand dollars (\$60,000.00) for 1985-86 football, basketball, and other events (to be mutually agreed upon).
- 2. Contractors shall pay a total rights fee of sixty-six thousand dollars (\$66,000.00) for 1986-87 football, basketball, and other events (to be mutually agreed upon).
- 3. Contractors shall pay a total rights fee of seventy-two thousand six hundred dollars (\$72,600.00) for 1987-88 football, basketball, and other events (to be mutually agreed upon).
- 4. Corporation shall try to negotiate with all parties involved to waive any rights fees payable to other teams that would normally be charged to the Contractors during the term of this agreement.

- 5. For each PCAA conference post-season men's basketball game, Contractors shall pay the sum of two thousand dollars (\$2,000.00).
- 6. Payment of the rights fee shall be made in monthly installments of ten thousand dollars (\$10,000.00) each, starting on the first of each month commencing on August 1 of each contract year until the total amount payable for rights hereby granted has been paid as due during each year of this agreement.

It is understood that the rights fees payable hereunder are in payment of the right to make live telecasts of specified events under the jurisdiction of the Corporation and that in the event of termination of this agreement for nonperformance, there shall be no refund of any portion of the rights fees.

- 7. Failure to pay the rights fee within 10 days of when due will result in a late fee of 1-1/2% per month on sums due and unpaid.
- 8. Reserving Right to Receive Statutory Cable Royalty Fees. Contractors and Corporation agree that Corporation shall be entitled to receive all copyright royalty fees attributable to use of the broadcasts, films, videotapes, and recordings of Corporation sports events, including all copyright royalty fees paid by cable systems pursuant to Section 111 of the copyright Revision Act.

#### PRODUCTION

# F. PERSONNEL

- 1. All production personnel shall be mutually agreed upon by Corporation and Contractors, compensated exclusively by Contractors.
- Contractors shall provide Corporation, in writing, name(s) of prospective on-air sportscasters and color announcers at least thirty (30) days prior to first telecast of the particular sport for approval by Corporation.

#### G. PRODUCTION FEES, EXPENSES

- 1. Contractors shall obtain, at their own expense, all necessary licenses and permits and shall assume all responsibility for and pay all applicable fees and all taxes incurred in conducting the operations encompassed herein, whether within or outside the State of California. Contractors shall be responsible for payment of any and all costs incurred by Contractors, including their agents and employees in connection with telecasts covered under this contract.
- 2. Contractors shall provide fifty (50) hours of free studio production time per year to Corporation to be utilized at Corporation's discretion. Contractors may determine when the time may be used.